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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,960	12/31/2001	Andrew V. Anderson	42390.P9765X2	1569
8791	7590	06/09/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			CHANKONG, DOHM	
12400 WILSHIRE BOULEVARD			ART UNIT	
SEVENTH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90025-1030			2152	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/039,960

Applicant(s)

ANDERSON ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|---|

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DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 1, 11, 18, 29, 34 and 36 have been amended. Claims 1-22 and 26-38 are presented for further examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3.16.2006 has been entered.

Response to Arguments

4> Applicant's arguments with respect to claims 1-22 and 26-38 have been considered but are moot in view of the new ground(s) of rejection.

5> Additionally, in previous Office actions, claims 7, 9, 10, 28, 33 and 35 were rejected under 35 U.S.C. 103(a) with a what was well known in the art statement with respect to GPS functionality. Applicant has not traversed this assertion. Accordingly, the well known in the

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art statement with respect to GPS functionality is taken to be admitted prior art. See MPEP § 2144.03(C).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Claims 1-6, 8, 11-22, 26, 27, 29-32, 34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al, U.S Patent Publication No. 2003/0046421, in view of Cote et al, U.S Patent No. 6,021,262 ["Cote"].

7> Regarding claims 1, 11 and 34, Horvitz discloses a method, a computer readable medium comprising instruction and a digital assistant, e.g., computing device ("system", hereinafter), comprising, steps, means and executable instructions for:

receiving information of an event, (Fig. 1, Fig. 27);

determining the level of importance of the event relative to a first person (§ 9, 11, 14-15, 65);

providing the digital assistant with access to a communications service provider such that the agent selector is able to attempt to contact at least one person [Figure 41]; and

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if the event has level of importance greater than a first threshold, and a level of importance that is below a second predetermined threshold, then taking action without contact any person (the system employed threshold level for determining appropriate actions to be taken, e.g., such as sending notification without contact any one when threshold level is greater than 85 and less than maximum or send notification without contact any person when threshold level equal or higher than 95 and equal or below maximum, Fig. 23-26; ¶ 17, 74-75, 83 and 105; threshold range Fig. 11-12, ¶ 11, 16, 69, 74, 76-78, 90, 103, 105, 108-108, 110, 112, 25, 275-277 and 279-380; claims, 7, 8, 52, 70, 72-73, 80-83).

Horvitz does not explicitly disclose a system including a feature of selecting a plurality of persons to contact if the level of importance is greater than or equal to a second threshold, wherein the agent selector selects the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant.

In the same field of endeavor, Cote is directed towards a messaging system. Cote discloses determining the level of importance of an event and comparing the level to a predetermined threshold [column 4 «line 61» to column 5 «line 25»]. Cote further discloses selecting a plurality of persons to contact and attempting to contact the plurality of persons [column 6 «line 66» to column 7 «line 7»]. Cote also discloses an agent selector that selects the one person (administrator) and the plurality of persons (staff members) based on at least one of profile information and rules provided by a user of the digital assistant [column 7 «lines 8-27 and 43-60»]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to expand Horvitz's application with the ability to contact

multiple persons based on the priority of events taught by Cote. Cote teaches that such functionality enables particular events to be routed to the appropriate member who can correctly handle the event [column 7 «lines 24-27»].

8> Regarding claims 18, 22, 26-27, 29 and 36-37, Horvitz-Cote further discloses, capability of learning from feedback and adaptation in an appropriate way in according to the learning process, setting rule, implementing routing criteria in accordance with feedback from a client terminal, learning that the sent message failed to reached the user because he or she is away from the client device, and redirect the message to another specified client device , i.e., receiving failure in attempt to contact and determining a new appropriate course of action (Horvitz, block 88-Fig. 1, profile setting and adjustment, fig. 2, altering option Fig. 3, ¶ 14, 67-71, 103,-108).

9> Regarding claims 2, 12, 19 and 30, Horvitz-Cote further discloses, comparing the subject of the event to a list of subjects of interest to the first person, (Horvitz, ¶ 100, 111, 219).

10> Regarding claims 3, 13, 20 and 31, Horvitz-Cote discloses, referring to information concerning the timing of activities in which a person is engaged, (Horvitz, ¶ 100, 111, 219).

11> Regarding claims 4-5, 14-15, 21 and 32, Horvitz-Cote discloses, referring to information concerning the current location of a person, (Horvitz, Fig. 23-25; ¶73, 115, 263, 264, 270-271, 281 and 289).

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12> Regarding claims 6, 8, 16 and 17, Horvitz-Cote discloses, the system capable of located user, device whereabouts, i.e., current location of a person is provided by a device carried by the at least one person, (Horvitz, Fig. 34).

13> Regarding claims 38, Horvitz-Cote discloses, taking action without contact any person, e.g., the system employed threshold level for determining appropriate actions to be taken, e.g., such as sending notification without contact any one when threshold level is greater than 85 and less than maximum or send notification without contact any person when threshold level equal or higher than 95 and equal or below maximum, (Horvitz, Fig. 23-26; ¶ 7, 74-75, 83 and 15). [*Also see ¶0225 where lower priority messages are automatically deleted without contacting any user*].

14> Claims 7, 9, 10, 28, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz-Cote, as applied to claims 1, 18, 29 and 34, and further in view of what was well known in the art.

15> Regarding claims 7, 9 and 10, Horvitz-Cote discloses the invention substantially, as claimed, as described in claim 6, but Horvitz-Cote does not explicitly include implementation of GPS device to locate a person. Official Notice is taken (see MPEP 2144.03) that using GPS device to specify location of a person was well known and widely implemented in the art at the time of the invention was made. Thus, it would have been

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obvious to one of ordinary skilled in the art at the time of the invention was made to expand a system that readily has a capability of locating user or any device carried by the user, such as suggested in Horvitz e.g., observing feedback from keyboard, mouse activity, or deriving user or device locations from predefined profile, by including a well-known device such as GPS to expand the utility ability and simplification of the system. The motivation to include the GPS device would to enhance system capacity, adaptability and competitiveness in the commercial market.

16> Regarding claims 28, 33 and 35, Horvitz-Cote discloses the invention substantially, as claimed, as described in their base claims, including event detection and redirect notification when message failed to reach the designate destination, user or device, but it is silent to applying such event detection in a case of one may choose not to respond. However, applying Horvitz system toward any desirable way include one who desire not to response is clearly not an invention, it merely an implementation choice, in which a notice in the art can modified with a minor attempt to apply in accordance with fluid situation.

17> Claims 1, 11 and 34 are rejected under 35 U.S.C § 103(a) as being unpatentable over Sweeney et al, U.S Patent Publication No. 2002|0083168 ["Sweeney"], in view of Carleton, U.S Patent Publication No. 2001|0044840.

18> As to claims 1, 11 and 34 Sweeney discloses a method comprising:
providing a digital assistant having an event detector and an agent selector [0086,

0087];

receiving information of an event [0088];
determining a level of importance of the event relative to a first person [0136, 0200];
providing the digital assistant with access to a communications service provider such that the agent selector is able to attempt to contact at least one person [Figure 1];

if the level of importance of the event is determined by the digital assistant to be greater than or equal to a first predetermined threshold, and if the level of importance of the event is determined by the digital assistant to be below or equal to a second predetermined threshold, then selecting one person to contact and attempting to contact the one person [0091, 0138, 0140, 0144]; and

wherein the agent selector selects the one person to contact based on at least one of profile information and rules provided by a user [0147].

While Sweeney discloses first and second thresholds [0140, 0142], Sweeney does not explicitly disclose a system including features of contacting a plurality of persons if the level of importance is greater than or equal to a second threshold or selecting a plurality of persons to contact if the level of importance is greater than or equal to a second threshold, wherein the agent selector selects the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant.

19> Like Sweeney, Carleton is directed towards an event monitoring system [abstract]. Carleton discloses selecting and contacting a plurality of persons based on the priority of an event, wherein the selection of the plurality of persons to contact is based on at least one of

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profile information and rules provided by a user of the digital assistant [0053]. Carleton discloses the fact that events of higher priority can be handled by the appropriate group of people (parties at higher levels of the organizational hierarchy) as a benefit of implementing an escalation functionality based on the priority of the message [0086]. Thus, it would have been obvious to one of ordinary skill in the art to modify Sweeney with Carleton's escalation functionality to insure that higher priority events are appropriately handled by the correct members of an organization.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Graf, U.S Patent No. 5.619.656;

Tognazzini, U.S Patent No. 5.790.974;

Shaffer et al, U.S Patent No. 6.094.681;

Oberstein et al, U.S Patent Publication No. 2002|0010803;

Lefeber et al, U.S Patent Publication No. 2002|0046299;

Nicholas, III, U.S Patent Publication No. 2002|0057285;

Horvitz et al, U.S Patent Publication No. 2002|0087649;

Smith et al, U.S Patent No. 6.463.462;

Agarwal et al, U.S Patent Publication No. 2002|0146096;

Jakobson et al, U.S Patent No. 6.766.368.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



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